

**UNION TOWNSHIP – TOWNSHIP COMMITTEE  
REGULAR MEETING**

**APRIL 19, 2006**

**MINUTES**

Mayor Rossi opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

Roll Call – Present: Patricia Dziubek, Frank Mazza, Matt Mulhall, Rob Haynes and Bruce A. Rossi. J. Peter Jost, Esq., Township Attorney; Robert C. Bogart, P.E., Township Engineer; and K. Judith Fabian, Township Clerk, were also present.

The following resolution was introduced for adoption:

**RESOLUTION  
EXECUTIVE SESSION #1**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Contract Negotiations.

Motion was made by Mr. Haynes, seconded by Mr. Mulhall, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION #2006-59  
PATTENBURG VOLUNTEER FIRE COMPANY**

WHEREAS, Pattenburg Volunteer Fire Company has long been recognized as the official Fire Department for the Township of Union;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to authorize the Mayor of the Township of Union to send a letter to the Hunterdon County 9-1-1 dispatcher, as well as all other Fire Companies associated with the Township of Union, to the effect that the Pattenburg Volunteer Fire Company will be notified by the 9-1-1 dispatcher of all fire company related calls within the Township of Union and Pattenburg Volunteer Fire Company will respond, as necessary, in support of any other fire company at Pattenburg Volunteer Fire Company’s discretion.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION  
EXECUTIVE SESSION #2**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Personnel

Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Naye: Mr. Haynes. Motion carried.



Motion was made by Mrs. Dziubek, seconded by Mr. Mazza, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION #2006-60**  
**Part-Time Recycling Attendant; Steve W. Briner**

WHEREAS, there is a need for a part-time recycling attendant; and

WHEREAS, Steve W. Briner is qualified and has expressed an interest in same;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to hire Steve W. Briner as a part-time recycling attendant, effective February 1, 2006, at an hourly salary of \$11.25 per hour.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**APPROVAL OF MINUTES** – 1. Regular Meeting and Executive Session of 4/5/06; motion was made by Mr. Mulhall; Mrs. Dziubek noted a revision on Page 1; end of 2006 MUNICIPAL BUDGET; Mr. Ardito said one option would be “leaving the \$90,000 in the budget which would have the potential for increasing budgetary surplus in 2007”; seconded by Mr. Mazza, to adopt the Minutes as amended. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**REPORTS RECEIVED** –

1. Municipal Court	3/06
2. Finance Officer	Claims Register 4/19/06
3. Building Dept.	3/06

**CORRESPONDENCE** – Mr. Rossi noted the following: - letter from Union Gap Village; planning to close off Village Rd. to public access; - Clean Communities grant is \$8,600; - DEP information on black bears; the notice will be distributed possibly in tax bills, recycling and website. The Township Clerk will complete form.

Mr. Mulhall noted the following: - DOT 2007 Aid Program; he was in favor of continuing work on Perryville Rd.; Mr. Haynes was in favor of finishing Van Syckels Rd.; Mr. Bogart mentioned Van Syckels Rd. is not structurally in good shape.

Motion was made by Mr. Mulhall to authorize Mr. Bogart to prepare the grant application and submit before the June deadline for Van Syckels Rd. improvements for the DOT fiscal year 2007 municipal aid program, seconded by Mrs. Dziubek. Vote – Ayes: Mrs. Dziubek, Mr. Mazza (initially voted no – amended his vote to yes), Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried. There was a brief discussion on improvement to various roads.

Mr. Mazza noted the NJWS letter to R. Quartararo; Executive Session matter.

Mrs. Dziubek noted the following: - Transco Pipeline Expansion; details unknown at this time; - NIMS resolution from Readington; Township Clerk will contact Readington Clerk for correct resolution.

**OLD BUSINESS** – 1. Resolution in opposition to costs associated w/NJSP coverage legislation briefly discussed. Mr. Jost is preparing a resolution for the 5/3/06 meeting.

2. Red Hills Industrial Park; 2006 Quarry License Application; - Patrick Mullaney, Esq. and Peter Andresen, President, representing; - Unity Bank \$97,095.00 Letter of Credit, dated April 19, 2006, has been submitted. Mr. Jost did not object to that form of performance guarantee. Mr. Bogart mentioned the Planning Board has reviewed this matter and the applicant has met the requirements of the ordinance. Mr. Mills, Zoning Officer, agreed they have complied and paid all fines and Court costs.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to authorize the Clerk to issue a 2006 Quarry License subject to confirmation from the Township Engineer all requirements have been satisfied. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. Ord. #2006-9; Speed Limit Perryville Rd.; 2<sup>nd</sup> Reading; Public Hearing; - Mr. Rossi read the ordinance by title, as follows, and introduced same for 2<sup>nd</sup> reading:

**ORDINANCE #2006-9**

**AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON  
AND STATE OF NEW JERSEY; SUPPLEMENTING AND AMENDING CHAPTER VII, SECTION 7-33  
OF THE CODE OF THE TOWNSHIP OF UNION,**



**ESTABLISHING SPEED LIMITS ALONG PERRYVILLE ROAD**

Union Twp. Comm. Meeting Minutes 4/19/06

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Motion was made by Mr. Haynes, seconded by Mr. Mazza, to open the Public Hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Comments/questions: Joe Calvet/opposed – Steve Hurford/not in favor of 25 MPH – Debbie Hirt/in favor of the ordinance.

There being no other comments/questions, motion was made by Mr. Haynes, seconded by Mr. Mazza, to close the public hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to adopt Ord. #2006-9 on 2<sup>nd</sup> reading. After a few comments, the following vote was taken: Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The mechanics of obtaining the cost for a speed study for Perryville Rd. was briefly discussed.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to authorize the Township Engineer to do a cost estimate for a speed survey for Perryville Rd. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**NEW BUSINESS** – 1. The following resolution was introduced for adoption:

**RESOLUTION #2006-61**

**2005 and 2006 AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR BOND COUNSEL**

**Anthony J. Pannela, Jr., Esq. and Lillian Plata, Esq.  
of the Firm Wilentz Goldman & Spitzer P.A.**

WHEREAS, there exists a need for specialized legal services in connection with the authorization and issuance of bonds or notes of the Township of Union (the "Township") in the Township of Union, County of Hunterdon, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of WILENTZ GOLDMAN & SPITZER P.A., 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, New Jersey, 07095-0958, is so recognized by the financial community; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union as follows:

1. The law firm of Wilentz Goldman & Spitzer P.A., Woodbridge, New Jersey, is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township of Union in accordance with an Agreement;
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. POLITICAL CONTRIBUTION DISCLOSURE. This contract has been awarded to professional based on the merits and abilities of professional to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the professional does hereby attest that professional, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.
4. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township of Union.
5. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Hunterdon Democrat.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to adopt the above resolution subject to receipt of all required documentation. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.



2. The following Proclamation was read by Mr. Rossi:

### PROCLAMATION

WHEREAS, Myasthenia Gravis is a neuromuscular disease striking children and adults, affecting control of voluntary muscles and affecting several hundred of our fellow New Jerseyans; and

WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded, “to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care”; and

WHEREAS, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey; and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

NOW, THEREFORE, I, Bruce A. Rossi, Mayor of the Township of Union, Hunterdon County, NJ, do hereby proclaim

**JUNE, 2006**

**As**

### **MYASTHENIA GRAVIS AWARENESS MONTH**

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to authorize Mr. Rossi to make the above Proclamation. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. Tim Strand, Balloon America, request for letter to NJ DOT; - after a brief discussion, motion was made by Mr. Haynes, seconded by Mr. Mazza, to authorize Mr. Rossi to sign a letter to NJ DOT to the effect that Union Township does not have ordinance(s) prohibiting the flying of hot air balloon(s) and has no objection to this practice; however, Union Township assumes no responsibility for the operation of this private company. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

4. The following resolution was introduced for adoption:

### **RESOLUTION #2006-62**

### **PROCLAMATION – MAY OLDER AMERICANS MONTH**

WHEREAS, the month of **May** is traditionally designated and observed throughout the nation as **Older Americans Month**; and

WHEREAS, the 2006 theme is, **“Independence+Dignity+Choice=Healthy Aging,”** in honor of older Americans and their caregivers; and

WHEREAS, the County of Hunterdon recognizes the contributions older Americans and their caregivers have made to our families, our communities, and our nation; and

WHEREAS, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union does hereby proclaim the month of May, 2006, as OLDER AMERICANS MONTH, in Hunterdon County; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Union calls upon all Hunterdon communities to honor and celebrate the outstanding contributions of the County’s older residents and acknowledge the noble work performed by caregivers.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

5. The following resolution was introduced for adoption:



**RESOLUTION #2006-63**  
**RE: GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Union in the County of Hunterdon desires to further the public interest by obtaining a loan of \$\_\_\_\_\_ and/or a grant of \$\_\_\_\_\_ from the State of New Jersey to fund the following project(s):

\_\_\_\_\_  
\_\_\_\_\_;

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union in the County of Hunterdon resolves that Bruce A. Rossi or the successor to the office of Mayor is hereby authorized to:

- a) make application for such a loan and/or such a grant;
- b) provide additional application information and furnish such documents as may be required;
- c) act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project(s);

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union:

1. That the Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State know as (project name(s), and;
2. That the applicant has its matching share of the project(s), if a match is required, in the amount of \$\_\_\_\_\_.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project(s), and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

Motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**ENGINEER'S REPORT** – Mr. Bogart – matter for Executive Session.

**ATTORNEY'S REPORT** – Mr. Jost – matter(s) for Executive Session.

**MAYOR'S REPORT** – Mr. Rossi mentioned the following: - information on the 2 computer quotes; - Union Township School and NHVRHS budgets were defeated; he asked did anyone on the Committee have a conflict (when meeting(s) are scheduled)? It was thought it would depend on when meetings were held; Mr. Rossi requested input from all Committee members.

**COMMITTEE REPORT** – Mr. Mulhall mentioned the following: - a resident called him in opposition to the cell phone tower proposed for Franklin Township; the resident has requested a letter, from the Union Township Committee, to the Franklin Township Planning Board in opposition to the cell tower due to the historic nature of the area.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to write a letter to the Franklin Township Planning Board notifying them that the Union Township Committee is opposed to locating a cell tower in the historic district of Pittstown and that the Union Township Committee request that they give strong consideration to insuring that this tower is not located in an historic district and if necessary, move it to another location such that does not impact on the historic quality of Pittstown. After a brief discussion, a vote was taken: Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes and Mr. Mulhall. Naye: Mr. Rossi. Motion carried.

Mr. Mulhall distributed photos of affordable housing units in another municipality; he mentioned the Ferriero Engineering Proposal for engineering of the site plan work on the Milligan tract; he was in favor of proceeding with Ferriero and the Township Planner to do the planning for the site work ultimately to file for Green Acres funding; he will meet with the County Engineer to move forward; possibly 2 parcels will be subdivided with one large remaining parcel; there was no opposition to Mr. Mulhall proceeding.



Mr. Haynes mentioned the following: - he has a matter for Executive Session; - the UTTA fence; he has not been able to locate an Eagle Scout; it was agreed the Township will supply the materials; - the Recreation Committee lining the field(s); Mr. Mazza will contact the Recreation Committee; - the closed off section of Main St., Jutland, still belongs to the Township; he was in favor of vacating that portion as it is a shared driveway; it would be very difficult for the Township's trucks to plow; the improvements have been done. Motion was made by Mr. Mazza, seconded by Mr. Haynes, to authorize Mr. Jost to prepare an ordinance to vacate that portion of the road. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Mazza mentioned the following: - Proposals for various repairs and replacing of existing underground water lines, furnish and install water conditioning for Apt. 26B at Hoffman Park; options discussed; - He is meeting with representatives from Franklin Township regarding Municipal Court.

**COMMENTS FROM THE PUBLIC** – Andy Riehl/Frank Goldberg/V.J. DiRoberto. Mr. Jost was authorized to prepare a narrative on the PIG Program for the next meeting.

**CLERK'S REPORT** – None.

**PAYMENT OF BILLS** – Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Seconded by Mr. Mulhall. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall, and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION  
EXECUTIVE SESSION #3**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: **Litigation/Potential Litigation/Contract Negotiations**

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mrs. Dziubek, seconded by Mr. Mazza, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mulhall, seconded by Mrs. Dziubek, to approve the Voucher submitted by Mr. Kern, in full and final settlement of all claims in connection with a certain zoning permit issued and revoked by the Union Township Zoning Officer on or about June 23, 2003, as per the general release executed by Mr. & Mrs. Kern. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adjourn. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Meeting adjourned at approximately 10:15 p.m.

Respectfully submitted,

K. Judith Fabian, RMC  
Township Clerk